

DAVID COOPER  
PLAINTIFF,

V.

DR. NICHOLS, et al,  
DEFENDANTS

RECEIVED

CASE NO. 2:06-CV-418-MHT

2007 JAN 16 AM 11:40

DEBRA P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

REQUESTS APPEAL ON THE ORDER ON MOTION  
DENIED ON JANUARY 8, 2007

Comes now, the plaintiff, prose, in the above style manner, pursuant to F.R.Civ-p. and it's rule requests appeal on the order on motion denied on January 8, 2007. Plaintiff, states that on Dec 20, 06, he initial filed a motion for an independent review by the United States District Judge. Plaintiff, states that he requested that review base on magistrate judge. Before R. Boyd, order on motion dated 9-27-06, first paragraph line two and three clearly denying plaintiff, the right to jury trial including the plaintiff, is prevailing with plaintiff, opposition to defendants written report as all exhibits including medical records will indicate on file. Plaintiff, filed a motion for trial jury, pursuant to Rule 38, which was filed after the commencement of 10 days of this action pursuant to rule 38, (B) (1). The plaintiff, was within his legal right pursuant to rule 38 (A), as to which Judge Boyd, violated plaintiff's seventh amendment right, the right to trial by jury. Further plaintiff, wish to also mention the motion/ also demands jury trial Rule 39, it was also denied. Plaintiff, wish to also mention the motion for status review was not denied, but the plaintiff, is still awaiting on a determination from the order

of motion dated 9-27-06, base on Plaintiff, Complaint, Defendants written report, on plaintiff, opposition, on Dec 20, 06, Plaintiff, file a motion for an independent review by the United States District Judge which to all mention motions exhibits, medical records on Case no. 2:06-cv-418-MHT, is on file in that Court. Plaintiff, states that Judge Terry F. Moorer, an another magistrate judge denied plaintiff, motion for an independent review by the United States District Court judge, who is not a United States District Court judge, but only another magistrate judge responding to a motion which was addressed to a District judge, who also is violating plaintiff, rights to jury trial, as well as the demand for jury trial on magistrate Judge moorer, order as motion dated 1-8-07, Plaintiff, also wish to mention that Judge moorer, doesn't know what is going on, nor is it believe this judge reviewed any thing, simply because she denied paragraph one line 4, motion for status, as to which was granted on 9-27-06, order on motion from magistrate judge Boyd, However, Plaintiff, is still awaiting on a determination since 9-27-06, which is base on Plaintiff, Complaint, Defendants written report, plaintiff, opposition, as all exhibits, medical records will clearly and plainly shows that Court plaintiff, needs his third heart surgery and medical records will show he also have prostate Hypertrophy Cancer, and is seeking a immediate surgery which the defendants are continually violating Plaintiff, medical needs. Plaintiff, will also filed another suit against these defendants later, it not only appears that the defendants are trying to let plaintiff, die, but also Judge Boyd, by a long delay in it's determination decision, also who is contributing to the denial of adequate medical


treatment please see Case NO. 2:06-CV-418-MHT.

Det 1-10-06.

David Cooper 7743

## CERTIFICATE OF SERVICE

I plaintiff, has forward to the clerk of the court, and the defense attorney, a copy each motion for to file, requests appeal on the order on motion denied on January 8, 2007, and Certificate of Service by placing them in the U.S. mail on this 10th day of January 2007.

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